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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

SUBJECT: Shaffer Equipment Cleanup

FROM: Martin Harrell *Martin Harrell*
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TO: Tom Massey, Chief
Emergency Response Section (3HW22)

Phil Retallick, Chief
CERCLA Removal Enforcement Section (3HW14)

DATE:

APR 26 1985

EPA conducted an emergency removal recently at the Shaffer Equipment site in Fayette County, West Virginia. PCBs had contaminated areas of property owned by Shaffer and Berwind Land Company.

Although Berwind declined to undertake cleanup, it requested that EPA provide it with cost information, and its counsel stated that the company wished to discuss costs before any legal action was taken. I interpret this to mean that the company is interested in discussing what the costs attributable to its property will be. This case presents the Agency with the opportunity to recover some of its costs early if we can gather the necessary information to present to the company. It should be noted that EPA unlikely will recover any money from Shaffer since it is not financially sound. Additionally, EPA has no evidence to date to indicate that Berwind was responsible for any contamination, and the company may indeed have a third-party defense to any cost recovery action.

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In any event, I believe it is to our advantage to gather the cost information as soon as possible. Bob Caron has given me a rough estimate of \$750,000 to date, excluding future treatment and disposal costs. His estimate is a general one based on some invoices and his knowledge of the work performed at the site.

I would appreciate receiving an estimate of our costs based on available documentation as soon as possible, excluding the treatment and disposal costs so that I can discuss them with the company. It may be that Berwind will not agree to pay, but I believe it is to our advantage to begin talks now. I realize the OSCs are often out of the office, but perhaps someone else could do the cost work.

Thanks for your help.